

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUMMA RESOURCE HOLDINGS
LLC,

Plaintiff,

v.

CARBON ENERGY LIMITED,

Defendant.

Case No. 15-cv-05334-TEH

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION**


On May 5, 2016, this Court dismissed the above-captioned action on the basis of *forum non conveniens*. Docket No. 37. Pursuant to Civil Local Rule 7-9, a party may move for leave to file a motion for reconsideration under one of three categories. Here, Plaintiff files the instant motion based upon “a manifest failure by the Court to consider material facts or dispositive legal arguments” which were presented to the Court. *See* Civ. L.R. 7-9(b)(3). Plaintiff contends that the Court applied “an incorrect standard of deference” to its choice of forum in the Court’s *forum non conveniens* analysis.

In its dismissal order, the Court considered and discussed the legal arguments raised by Plaintiff in connection with the instant motion. *See* Order at 6-7. The Court cited *Carijano v. Occidental Petroleum Corp.*, 643 F.3d 1216 (9th Cir. 2011), which Plaintiff identifies in support of its contention that the Court applied an incorrect standard. Furthermore, the Court explained its reasoning for affording slightly less deference to Plaintiff’s choice of forum in its *forum non conveniens* balancing analysis; therefore it clearly considered Plaintiff’s argument. A motion for reconsideration is not the proper instrument for disagreement with the Court’s analysis. *See AF Holdings LLC v. Trinh*, No. 12-CV-2392-CRB, 2012 WL 6087269, at *1 (N.D. Cal. Dec. 6, 2012).

1 Plaintiff has failed to show a manifest failure by the Court such that granting leave
2 to file a motion for reconsideration would be warranted. Accordingly, Plaintiff's Motion
3 for Leave to File a Motion for Reconsideration is hereby DENIED.

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5 **IT IS SO ORDERED.**

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7 Dated: 05/16/16



THELTON E. HENDERSON
United States District Judge

United States District Court
Northern District of California